

more
than one
order
involved.



File Symington
Governor

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

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Executive Director:
Robert J. Miller, Ph.D.

BEFORE THE ARIZONA STATE BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:)

CARLOS CAZARES, D.O.)

Holder of License No. 1700)
for the Practice of Osteopathic)
Medicine and Surgery in the)
State of Arizona)

Case No. 978

STIPULATION AND ORDER

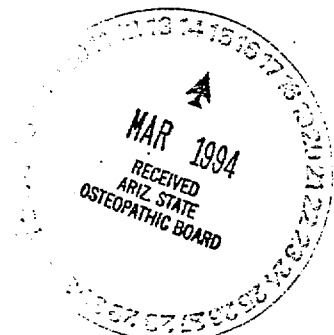
The parties hereby stipulate that the accompanying Order be entered as a final disposition in the above-referenced matter.

Dated this 2nd day of August, 1993.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Carlos Cazares, D.O.

Robert J. Miller, Ph.D.
Executive Director



ORDER

Pursuant to the foregoing Stipulation, and good cause appearing therefore, it is Ordered that:

CARLOS CAZARES, D.O. (Respondent) shall be placed on probation for a period of one (1) year with the terms and conditions of said Probation to be as specified in the accompanying Consent to Entry of Order No. 89-9-8, and effective August 1, 1993.

License No. 1700 for the practice of osteopathic medicine and surgery in the State of Arizona, issued to Carlos Cazares, D.O., shall be suspended for a period of thirty (30) days, as specified in the accompanying Consent to Entry of Order No. 89-9-8, and commencing August 1, 1993.

All other terms and conditions specified in the accompanying Consent to Entry of Order No. 89-9-8 remain as specified therein and are also effective August 1, 1993.

ENTERED and effective this 2nd day of August, 1993.

Arizona Board of Osteopathic
EXAMINERS IN MEDICINE AND SURGERY

BY



Robert J. Miller, Ph.D.
Executive Director

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

In the matter of)	
)	NO. 89-9-8
CARLOS CAZARES, D.O.)	
)	CONSENT TO ENTRY
Holder of License Number 1700)	OF ORDER
For the Practice of Osteopathic)	
Medicine and Surgery In the State)	
of Arizona)	
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A complaint charging Carlos Cazares, D.O. (hereinafter, "Dr. Cazares"), holder of license number 1700 for the practice of Medicine and Surgery in the State of Arizona has been received by the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereinafter the "Board"). The complaint alleged that Dr. Cazares was engaged in various unprofessional conduct proscribed by A.R.S. §§ 32-1854 and 32-1801 et seq., (see also A.A.C. R4-2201 et seq.).

In lieu of formal hearing and as a final disposition of this matter, Dr. Cazares:

1. Admits the truth and accuracy of the attached Findings of Facts and Conclusions of Law;
2. Consents to the entry of the attached Order and agrees to abide by its terms;
3. Acknowledges that certain investigative material prepared and received by the Board concerning the violations and all related exhibits, notices and pleadings may be retained. The material so retained is the Board's file and record of this entire matter;

4. Waives all rights to a hearing, re-hearing, appeal, or judicial review relating to the Findings of Fact and Conclusions of Law and Order;

5. Agrees that the attached Findings of Fact and Conclusions of Law and Order shall be conclusive evidence of a violation of A.R.S. § 32-1854 and may be used for the determination of any sanctions in any future disciplinary matters before the Board;

6. Understands counsel may be consulted prior to entering into this Consent to Entry of Order and represents that such consultation has been obtained;

7. Understands this Consent to Entry of Order and the terms and provision hereof, and the effect of said terms and provisions, and consents and agrees to be bound hereby, specifically including by way illustration but not limitation, the terms and conditions of the Order contained herein;

8. Agrees that this Order will be effective upon its acceptance by the Board; *2nd* *Ref 2*

DATED this *11th* day of *August, 1993* *Ref 2*
~~June, 1991.~~

APPROVED AS TO FORM:

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Kraig J. Marton
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Counsel for Dr. Cazares

Carlos Cazares
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...

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER

Pursuant to the foregoing Consent to Entry of Order and the records and files and admissions in this matter, and good cause appearing, the Arizona Board of Osteopathic Examiners in Medicine and Surgery enters the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACTS

1. Dr. Cazares contracted to provide medical services related to weight control to the "Professional Weight Control Clinic" (hereinafter "Professional Weight") on behalf of the patients of Professional Weight. This contractual relationship was effective from January 1987 through March 8, 1989.

2. The medical services provided by Dr. Cazares included: 1) screening of prospective patients utilizing a physical examination and oral interview; 2) prescription of controlled substances; and 3) monitoring the progress of the patients following the weight control treatment program of Professional Weight, among others.

3. Between January 1987 and March 8, 1989 Professional Weight was operated by Betty Phillips, Lorene Koren and Pat Lansey. Neither Phillips, Koren or Lansey are licensed health care providers in the State of Arizona.

4. During the period from 1987 to 1989, Dr. Cazares supervised the weight control treatment program of various patients. On numerous occasions with respect to said patients, Dr. Cazares failed to take or monitor patients' blood pressure for extended

periods of time as it was affected by the Professional Weight program. Although there was no evidence of any injury to any patient, such treatment constitutes conduct which might have been harmful or dangerous to the health of the patient, in violation of A.R.S. § 32-1854(19).

5. During the period from 1987 to 1989 Dr. Cazares treated various patients using controlled substance anorexics. During this period on some occasions individual patients supervised by Dr. Cazares lost little or no weight but continued to receive anorexic prescriptions for extended periods; said conduct may constitute the non-therapeutic use of controlled substances, in violation of A.R.S. § 32-1854(5).

6. During the period from 1987 through 1989 Dr. Cazares failed to supervise or direct office personnel in the medical care of his Professional Weight patients. On numerous occasions during this period in specific patient files Dr. Cazares noted that the patient was to receive no more controlled substance anorexics; however, office staff would thereafter order anorexics for the patient, in direct violation of his orders. Since he had been previously warned by the Board that Professional Weight personnel might disregard his directions if permitted, Dr. Cazares knew or should have known that careful supervision of the dispensing of controlled substance prescriptions by his staff was necessary. These occurrences are in violation of A.R.S. § 32-1854(37).

7. During its investigation of Dr. Cazares' conduct as it related to Professional Weight, the Board reviewed randomly

selected charts from Dr. Cazares' private practice, as maintained in his office separate from Professional Weight. The Board investigator found in those charts reasonable and acceptable care in contrast to the Professional Weight control charts.

8. The conduct alleged in paragraphs 4 through 6 of the Findings of Fact constitute unprofessional conduct in violation of A.R.S. §§ 32-1854(5), 32-1854(19), 32-1854(37) and 32-1801 et seq., (see also A.A.C. R4-2201 et seq.).

CONCLUSIONS OF LAW

1. Carlos Cazares, D.O. is the holder of license number 1700 for the practice of Medicine and Surgery in the State of Arizona, issued by the Arizona Board of Osteopathic Examiners in Medicine and Surgery.

2. The Arizona Board of Osteopathic Examiners in Medicine and Surgery is the duly constituted authority for the regulation and control of the practice of Osteopathic Medicine and Surgery in the State of Arizona.

3. The Arizona Board of Osteopathic Examiners in Medicine and Surgery has the authority to notice and conduct hearings and discipline its licensees, A.R.S. § 32-1855, A.R.S. § 32-1801, et seq. and A.R.S. § 41-1061 et seq.

4. The conduct alleged in paragraphs 4 through 6 of the Findings of Fact represent violations of A.R.S. §§ 32-1854(5) (prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes); 32-1854(19) any conduct or practice which does or might

constitute a danger to the health, welfare or safety of the patient or the public); and; 32-1854(37) (lack of or inappropriate direction, collaboration or supervision of office personnel employed by or assigned to the physician in the medical care of patients), and 32-1801 et seq., (see also A.A.C. R4-2201 et seq.)

ORDER

THEREFORE IT IS HEREBY ORDERED, that license number 1700 issued to Dr. Carlos Cazares, D.O. be suspended for a period of 30 days. The effective date of suspension shall be August 1, 1991. The suspension shall continue for 30 consecutive days thereafter. Dr. Cazares shall not practice medicine or surgery in any manner whatsoever during the period of suspension. Dr. Cazares may be physically present at any of his office locations so long as he does not in any way medically treat, or consult with any patient.

IT IS FURTHER ORDERED, that Respondent shall pay an Administrative penalty to the Board of Osteopathic Examiners in the amount of \$500.00 (FIVE HUNDRED DOLLARS) per count as set forth in the Statement of Facts, for a total of \$1,500 (ONE THOUSAND FIVE HUNDRED DOLLARS). Payment of the Administrative penalty is due in full on or before October 1, 1991.

IT IS FURTHER ORDERED, that Respondent shall pay to the Board of Osteopathic Examiners \$3,358.30 (THREE THOUSAND THREE HUNDRED FIFTY EIGHT DOLLARS AND 30/100) as reimbursement for costs of the investigation and prosecution of this matter, including expert witness fees, court reporter and deposition fees. Payment of the reimbursement is due in full no later than 30 days after the

date which this consent and order is accepted by the Board of Osteopathic Examiners in Medicine and Surgery.

IT IS FURTHER ORDERED, that Dr. Cazares be placed on probation for a period of one (1) year; said probation shall begin August 1, 1991. The probation shall include the following terms:

A) During the period of probation, Dr. Cazares shall not treat any patient for obesity, metabolic dysfunction or other weight related disorders. B) Dr. Cazares shall not prescribe any anorexics for weight control. C) During the period of probation Dr. Cazares shall not testify as an expert witness in any proceeding on any issue directly or indirectly relating to metabolic disorders, weight control, exogenous obesity or the use or effect of controlled substance anorexic drugs.

IT IS FURTHER ORDERED that it shall be an act of unprofessional conduct in violation of A.R.S. § 32-1854(25) to violate any terms of this Order of the Osteopathic Board, (including any or all of the terms of any probation in United States District Court, District of Arizona Cause No. CR 90-012-PHX-RCB which have been incorporated by reference in Arizona Board of Osteopathic Examiners Cause No. 89-9-8) or any of the terms of probations set forth in United States District Court, District of Arizona Cause No. CR 90-012-PHX-RCB.

DATED this 12th day of July August, 1991³. RP2

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RP2 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By [Signature]